

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CHRISTOPHER DESHAZO,

Plaintiff

v.

BOWIE COUNTY, *ET AL.*,

Defendants.

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Civil Action No. 5:22-cv-114-RWS-JBB

ORDER

Before the Court is Plaintiff's motion for injunctive relief. Docket No. 26. Plaintiff Christopher Deshazo, proceeding *pro se*, filed the above-captioned civil action under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights during his confinement in the Bowie County Correctional Center. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff filed a motion for injunctive relief complaining of the conditions of confinement in the Bowie County Correctional Center and asking that he be removed from the jail. Docket No. 26. Since the filing of the motion, Plaintiff has been transferred to the Texas Department of Criminal Justice.

On January 26, 2024, the Magistrate Judge issued a Report recommending that Plaintiff's motion for injunctive relief be denied as moot due to his transfer. Docket No. 41. A copy of this Report and Recommendation was sent to Plaintiff at his last known address, but no objections have been received. *See* Docket No. 43. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Co. of Canada*, 931 F.3d 412, 420–21, 421 n.9 (5th Cir. 2019).

Because no objections have been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions

accepted and adopted by the District Court. *See Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report and Recommendation are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 41) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for injunctive relief (Docket No. 26) is **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 12th day of March, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE